THE HONOURABLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P. NO. 19330 of 1997

DATED: 21-03-2007

Between:-

G. Narsaiah, s/o G. Rajanna, aged about 30 years, Village Electricity Worker, Limba (k) village, Kuntala (M), Adilabad District

…PETITIONER

And

The Divisional Engineer (Elecl.) Operations, A.P.S.E.B. Board, Nirmal, Adilabad District and 3 others.

…

RESPONDENTS

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P. No. 19330 of 1997

O R D E R

This writ petition is filed seeking a Writ of Mandamus questioning the proceedings, dated 31.07.1997, of the 1st respondent whereby he directed the 4th respondent not to utilize the services of the petitioner.

A reading of the impugned order shows that the respondent No.4 reported to the 1st respondent that the services of petitioner as Village Electricity Worker were terminated with effect from 01-01-1989. The proceedings further show that as on the date of the issuance of the said proceedings, the scheme of appointing Village Electricity Workers is not in existence.

Heard Sri B. Sudhakar Reddy, learned counsel representing the petitioner and no one appeared for the respondents.

The learned counsel for the petitioner invited my attention to the purported certificate of one Devidas Patil Sindhu, wherein it is mentioned that the petitioner joined as Village Electricity Worker in the year 1988 in Grampanchayat in the Limba (K) village; that he worked till 1990, taking salary till that day; that from 1990 to July 1993 he could not attend the duty because of his ill-health and that the petitioner recovered from his ill-health and he has joined the duty from 01-08-1993 onwards.

A reading of the certificate clearly shows that the signatory to

the said certificate has not mentioned his designation, nor the copy filed before the Court contains his initials. The so-called certificate does not even bear the date on which the same was issued. In the face of the assertion made in the impugned order that the services of the petitioner were terminated with effect from 01-01-1989, no credence whatsoever can be given to the purported certificate said to be issued by an individual, in the absence of establishment of its authenticity and any material filed in support of the contents of the so-called certificate.

Apart from the afore-mentioned ground, as seen from the contents of the impugned proceedings, the scheme of appointing Village Electricity Worker was not in existence. This statement contained in the impugned proceedings is not disputed by the learned counsel for the petitioner. It is not the case of the petitioner that he was given any appointment order or that he was appointed for any specific tenure. In the absence of any right in the petitioner to continue in the post in which he was allegedly appointed, the impugned proceedings cannot be found fault with. There is no enforceable legal right in the petitioner to maintain this writ petition and seek his continuance as Village Electricity Worker. There is one another ground on which the writ petition is liable to be dismissed. Admittedly, the Andhra Pradesh State Electricity Board, whose functionaries are impleaded as respondents 1 to 3 ceased to exist as far back as the year 1999 under the provisions of the Andhra Pradesh Electricity Reform Act, 1988. The petitioner failed to implead the successors of the A.P.S.E.B.

For the afore-mentioned reasons, the writ petition fails and is accordingly dismissed. No order as to costs.

C.V. NAGARJUNA

REDDY, J
Dated: 21.03.2007
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